

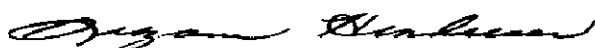
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Tarrant County Texas

Official Public Records

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**AMENDMENT OF OIL AND GAS LEASE**

**STATE OF TEXAS            }**

**COUNTY OF TARRANT }**

**WHEREAS, Kevin W. Vann, J.C.D., D.D., Bishop of the Catholic Diocese of Fort Worth**, hereinafter referred to as "Lessor", heretofore executed an Oil and Gas Lease, dated August 16, 2007, to **Fort Worth Energy**, hereinafter referred to as "Lessee", recorded on August 16, 2007 at Clerk's Document No. D207291265, Official Public Records of Tarrant County, Texas, hereinafter referred to as "The Lease", whereby Lessor leased certain lands situated in Tarrant County, Texas, to wit:

**TRACT 1:**

St. Mary's Catholic Church  
509 W. Magnolia Ave.  
Fort Worth, Tarrant County, Texas

Lots 27, 28, 29, 30, Block 1                      S. O. Moodie Subdivision

Lot 22R, Block 2                                      S. O. Moodie Subdivision

Lot 10R, Block 2                                      S. O. Moodie Subdivision

Lot 1R1, Block 2                                      S. O. Moodie Subdivision

**TRACT 2:**

2201 6<sup>th</sup> Avenue  
Fort Worth, Tarrant County, Texas

Lots 1 & 2, Block 25                                  Fairmount Subdivision

**TRACT 3:**

Cassata Learning Center  
1400 Hemphill St.  
Fort Worth, Tarrant County, Texas

Lots 6B, 7, 8, 9A, Block 3                      S. O. Moodie Subdivision

**AND WHEREAS**, said description is incomplete and indefinite as to legal description, and the lands intended to be covered are more accurately described as follows:

6.177 acres of land, more or less, of a called 4.666 acres, situated in the William Welch Survey, A-1644, and the Joshua N. Ellis Survey, A-463, both in Tarrant County, Texas, being more particularly described in the following ten (10) tracts:

**TRACT 1:** 0.230 of an acre, more or less, of a called 0.172 of an acre, situated in the William Welch Survey, A-1644, Tarrant County, Texas, being Lot 27, Block 1, S. O. Moodie's Subdivision, according to the Plat thereof recorded in Volume 35, Page 162, Plat Records, Tarrant County, Texas, and being more particularly described in that certain Warranty Deed dated April 9, 1970, from Wilma B. Barrett, a widow, to John J. Cassata, Bishop of the Roman Catholic Diocese of Fort Worth, as recorded in Volume 4864, Page 920, Official Public Records, Tarrant County, Texas;

**TRACT 2:** 0.230 of an acre, more or less, of a called 0.172 of an acre, situated in the William Welch Survey, A-1644, Tarrant County, Texas, being Lot 28, Block 1, S. O. Moodie's Subdivision, according to the Plat thereof recorded in Volume 35, Page 162, Plat Records, Tarrant County, Texas, and being more particularly described in that certain Warranty Deed dated August 30, 1968, from Kenneth Leroy Eatinger, Independent Executor of the Estate of Thomas B. Glenk, Deceased, to Thomas Gorman, Bishop of the Catholic Diocese of Dallas-Ft. Worth, as recorded in Volume 4694, Page 107, Official Public Records, Tarrant County, Texas;

**TRACT 3:** 0.230 of an acre, more or less, of a called 0.172 of an acre, situated in the William Welch Survey, A-1644, Tarrant County, Texas, being Lot 29, Block 1, S. O. Moodie's Subdivision, according to the Plat thereof recorded in Volume 35, Page 162, Plat Records, Tarrant County, Texas, and being more particularly described in that certain Warranty Deed dated March 17, 1967, from Nell Mayo, a widow, Ida Fortune, a widow, and Bobbie Janell Wheeler, joined herein by her husband, Frank Wheeler, to Thomas K. Gorman, Bishop of the Roman Catholic Diocese of Dallas-Fort Worth, as recorded in Volume 4383, Page 69, Official Public Records, Tarrant County, Texas;

**TRACT 4:** 0.230 of an acre, more or less, of a called 0.172 of an acre, situated in the William Welch Survey, A-1644, Tarrant County, Texas, being Lot 30, Block 1, S. O. Moodie's Subdivision, according to the Plat thereof recorded in Volume 35, Page 162, Plat Records, Tarrant County, Texas, and being more particularly described in that certain Warranty Deed dated November 23, 1965, from Hubert A. Sanders to Thomas Gorman, Bishop of the Roman Catholic Diocese of Dallas-Fort Worth, as recorded in Volume 4145, Page 459, Official Public Records, Tarrant County, Texas;

**TRACT 5:** 0.689 of an acre, more or less, of a called 0.517 of an acre, situated in the William Welch Survey, A-1644, Tarrant County, Texas, being Lot 22R, Block 2, S. O. Moodie's Subdivision, according to the Revised Plat thereof recorded in Volume 388-87, Page 55, Plat Records, Tarrant County, Texas;

**TRACT 6:** 0.244 of an acre, more or less, of a called 0.199 of an acre, situated in the William Welch Survey, A-1644, Tarrant County, Texas, being Lot 10R, Block 2, S. O. Moodie's Subdivision, according to the Revised Plat thereof recorded in Volume 388-95, Page 54, Plat Records, Tarrant County, Texas;

**TRACT 7:** 2.523 acres of land, more or less, of called 1.89 acres of land, situated in the William Welch Survey, A-1644, Tarrant County, Texas, being Lot 1R1, Block 2, S. O. Moodie's Subdivision, according to the Revised Plat thereof recorded in Volume 388-95, Page 54, Plat Records, Tarrant County, Texas;

**TRACT 8:** 0.331 of an acre, more or less, of a called 0.161 of an acre, situated in the Joshua N. Ellis Survey, A-463, Tarrant County, Texas, being Lots 1 and 2, Block 25, Fairmount Addition, according to the Plat thereof recorded in Volume 63, Page 25, Plat Records, Tarrant County, Texas, and being more particularly described in that certain Gift Deed dated November 28, 2001, from William H. Murphy and wife, Martha M. Murphy, to Joseph P. Delaney, Bishop of the Catholic Diocese of Fort Worth, as recorded at Document No. D201321147, Official Public Records, Tarrant County, Texas;

**TRACT 9:** 1.083 acres of land, more or less, of a called 0.892 of an acre, situated in the William Welch Survey, A-1644, Tarrant County, Texas, being the South 1/3 (25 feet) of Lot 6, and all of Lots 7 and 8, Block 3, S. O. Moodie's Subdivision, according to the Plat thereof recorded in Volume 35, Page 162, and being more particularly described in that certain Warranty Deed dated June 24, 1927, from John B. Laneri to Joseph P. Lynch, in his capacity as Bishop of Dallas, as recorded in Volume 3945, Page 333, Official Public Records, Tarrant County, Texas;

**TRACT 10:** 0.387 of an acre, more or less, of a called 0.319 of an acre, situated in the William Welch Survey, A-1644, Tarrant County, Texas, being the North 62.5 feet of Lot 9, Block 3, S. O. Moodie's Subdivision, according to the Plat thereof recorded in Volume 35, Page 162, Plat Records, Tarrant County, Texas, and being more particularly described in that certain Warranty Deed dated May 1, 1956, from C. N. Rice and wife, Samona Rice, to Most Rev. Thomas K. Gorman, Bishop of the Roman Catholic Diocese of

Dallas-Fort Worth, as recorded in Volume 2993, Page 401, Official Public Records, Tarrant County, Texas.

**AND WHEREAS**, the lease and all rights, and privileges thereunder are now owned and held by **XTO ENERGY INC.**, a Delaware Corporation.

**NOW THEREFORE** in consideration of the premises, and for the purposes of making the said lease definite and certain respect to the identity of the lands to be covered thereby, the undersigned Lessor does hereby declare that it was and is the intention of Lessor to lease for oil and gas purposes the identical tract of land last above described; and does hereby amend said lease in respect to the description of the lands included therein, as aforesaid, and ratify and adopt the same as so amended.

**AND WHEREAS** not withstanding anything to the contrary, it is the desire of Lessee and Lessor to amend Paragraph 7. **Pooling** of the Lease to allow for 640 acres, plus 10% tolerance for pooling.

**AND WHEREAS** not withstanding anything to the contrary, it is the desire of the Lessee and Lessor to delete Paragraph 18 **Favored Nations** Clause from the lease in its entirety.

**AND**, for the same consideration recited above, Lessor does hereby adopt, ratify and confirm The Lease, and all of its provisions, except as herein modified and amended, and does hereby grant, lease, and let to the Lessee therein or its successors and assigns, any and all interest which Lessor, now has, or may hereafter acquire, either by conveyance, devise, inheritance or operation of laws, and whether vested, expectant, contingent or future, in and to the lands described therein, in accordance with each and all of the provisions contained in The Lease and as amended hereby, and the undersigned hereby declares that The Lease and all of its provisions, as amended, are binding on the undersigned and is a valid and subsisting Oil and Gas Lease and this agreement shall extend to and be binding upon the heirs, executors, administrators, successors, and assigns of the undersigned Lessor.

**IN WITNESS WHEREOF**, this Amendment is executed by the undersigned on the respective date of acknowledgment below, but is effective as of the date of August 16, 2007, date of "The Lease".

**LESSOR:**

Kevin W. Vann  
Kevin W. Vann, J.C.D., D.D. Bishop of the  
Catholic Diocese of Fort Worth

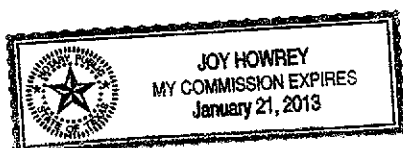
By E. James Hart  
Rev. E. James Hart, Attorney-in-Fact  
For Kevin W. Vann, J.C.D., D.D., Bishop  
of the Catholic Diocese of Fort Worth

Address: The Catholic Center  
800 W. Loop 820 South  
Fort Worth, Texas 7108-2919

**ACKNOWLEDGMENT**

**STATE OF TEXAS }  
COUNTY OF TARRANT }**

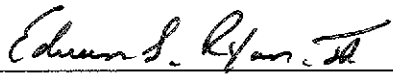
This instrument was acknowledged before me on the 10<sup>th</sup> day of March, 2010, by E. James Hart Attorney-in-Fact for Kevin W. Vann, J.C.D., D.D., Bishop of the Catholic Diocese of Fort Worth.



Joy Howrey  
Notary Public, State of Texas

**LESSEE:**

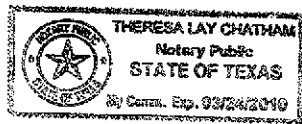
XTO ENERGY INC.  
a Delaware corporation

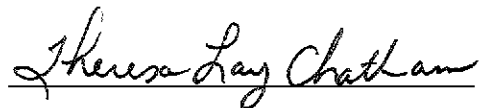
  
\_\_\_\_\_  
Edwin S. Ryan, Jr.,  
Senior Vice President-Land Administration

**CORPORATE ACKNOWLEDGMENT**

STATE OF TEXAS  
COUNTY OF TARRANT

This instrument was acknowledged before me on the 15<sup>th</sup> day of March, 2010, by Edwin S. Ryan, Jr., Senior Vice President-Land Administration of XTO Energy Inc., a Delaware corporation, on behalf of said corporation.



  
\_\_\_\_\_  
Theresa Lay Chatham

Notary Public, State of Texas